



PATENT
ATTORNEY DOCKET NO. 04712/027002

Certificate of Mailing: Date of Deposit: January 10, 2001

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Julie A. Bowen
Printed name of person mailing correspondence

Julie A. Bowen
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dosuk D. Lee et al.

Art Unit: 1619

Serial No.: 09/693,120

Examiner:

Filed: October 20, 2000

Title: CHEMOTHERAPEUTIC COMPOSITION USING
NANOCRYSTALLINE CALCIUM PHOSPHATE PASTE

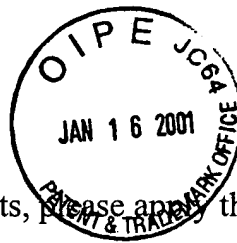
Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY TO NOTICE TO FILE MISSING PARTS

In reply to the Notice to File Missing Parts of Application mailed December 14, 2000 (a copy of which is enclosed), Applicant as a small entity submits herewith the following:

- ☒ A Combined Declaration and Power of Attorney in compliance with 37 C.F.R. §1.63.
- ☒ Payment of the surcharge of \$65 for late filing of the basic filing fee/declaration.
- ☒ Payment of the additional claims fee of \$36 for this application.

Applicant claims small entity status under 37 C.F.R. § 1.27.



If there are any charges, or any credits, please apply them to Deposit Account No.

03-2095.

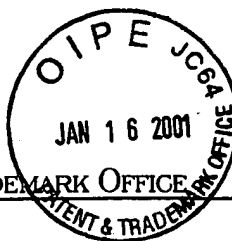
Respectfully submitted,

Date: January 10, 2001

Mary Rose Scozzafava
Mary Rose Scozzafava, Ph.D.
Reg. No. 36,268

Clark & Elbing LLP
176 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

04712.027002 Reply to NTFMP.wpd



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/693,120	10/20/2000	Dosuk D. Lee	04712/027002

Mary Rose Scozzafava PH.D
Clark & Elbing LLP
176 Federal Street
Boston, MA 02110

FORMALITIES LETTER



OC000000005620751

Date Mailed: 12/14/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$36.
 - \$216 for 24 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 101.

*A copy of this notice **MUST** be returned with the reply.*

D. Martin Ty

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

09/16/2000 00000039 09693120
65.00 DP
36.00 DP
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PATENT

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Julie A. Bowen

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Title: CHEMOTHERAPEUTIC COMPOSITION USING
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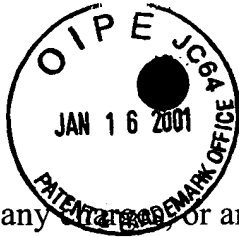
PETITION TO CORRECT FILING RECEIPT

Applicant requests that the attached filing receipt be corrected as follows:

Under "Continuing Data as Claimed by Applicant" please **delete**:

"WHICH IS A CIP OF 08/650,764 05/20/1996
WHICH IS A CIP OF 08/446,182 05/19/1995 PAT 5,676,976"

Attached is a copy of the incorrect filing receipt highlighting the changes and a copy of the executed Combined Declaration and Power of Attorney which shows the correct priority information.



If there are any charges or any credits, please apply them to Deposit Account No.

03-2095.

Respectfully submitted,

Date: January 10, 2001

Mary Rose Scozzafava
Mary Rose Scozzafava, Ph.D.
Reg. No. 36,268

Clark & Elbing LLP
176 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

04712.027002 Petition to Correct Filing Receipt.wpd



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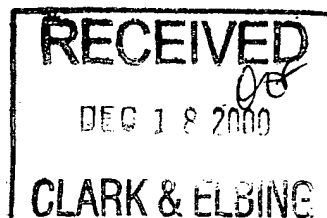
APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/693,120	10/20/2000	1619	535	04712/027002	4	44	3

Mary Rose Scozzafava PH.D
Clark & Elbing LLP
176 Federal Street
Boston, MA 02110

FILING RECEIPT



OC000000005620750



Date Mailed: 12/14/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Dosuk D. Lee, Brookline, MA ;
Maria Aiolo, Brookline, MA ;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CIP OF 09/153,133 09/15/1998
WHICH IS A CIP OF 08/729,342 10/16/1996

~~WHICH IS A CIP OF 08/650,764 06/20/1996~~

~~WHICH IS A CIP OF 08/446,182 05/10/1995 PAT 5,676,976~~

Foreign Applications

If Required, Foreign Filing License Granted 12/14/2000

**** SMALL ENTITY ****

Title

Chemotherapeutic composition using nanocrystalline calcium phosphate paste

Preliminary Class

424

Data entry by : MARTIN, DIANE

Team : OIPE

Date: 12/14/2000





LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

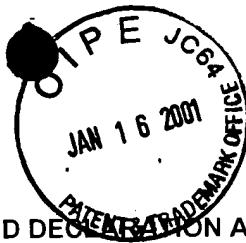
No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
 Office of Initial Patent Examination
 Customer Service Center
 Washington, DC 20231



PATENT
ATTORNEY DOCKET NO: 04712/027002

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled CHEMOTHERAPEUTIC COMPOSITION USING NANOCRYSTALLINE CALCIUM PHOSPHATE PASTE, the specification of which

☒ was filed on October 20, 2000 as Application Serial No. 09/693,120.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

NON-PROVISIONAL PRIORITY RIGHTS: I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

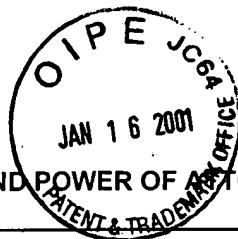
Serial Number	Filing Date	Status
09/153,133	September 15, 1998	Pending
08/729,342	October 16, 1996	Pending

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Paul T. Clark, Reg. No. 30,162, Karen L. Elbing, Ph.D., Reg. No. 35,238, Kristina Bieker-Brady, Ph.D., Reg. No. 39,109, Susan M. Michaud, Ph.D., Reg. No. 42,885, Mary Rose Scozzafava, Ph.D., Reg. No. 36,268, James D. DeCamp, Ph.D., Reg. No. 43,580, Sean J. Edman, Reg. No. 42,506, Timothy J. Douros, Reg. No. 41,716.

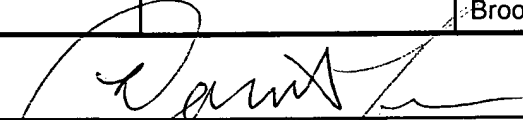
Address all telephone calls to: Mary Rose Scozzafava, Ph.D. at 617/428-0200.

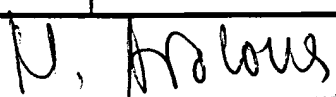
Address all correspondence to: Mary Rose Scozzafava, Ph.D. at Clark & Elbing LLP, 176 Federal Street, Boston, MA 02110.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.



COMBINED DECLARATION AND POWER OF ATTORNEY

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Citizenship
Dosuk D. Lee	Brookline, MA, U.S.A.	75 Lee Street Brookline, MA 02445, U.S.A.	U.S.A.
Signature: 			Date: 1/3/01

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Citizenship
Maria Aiolova	Brookline, MA, U.S.A.	123 Seawall Avenue Brookline, MA 02446, U.S.A.	U.S.A.
Signature: 			Date: 01.02.01